

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MORRIS MILLER, #873324

§

VS.

§

CIVIL ACTION NO. 6:11cv71

KISHA STOTTS, ET AL.

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, concludes that this civil rights action should be dismissed as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). The Plaintiff has filed written objections (docket entry #14). In his objections, he takes issue with the testimony of Warden Motal regarding whether one prisoner's legal papers may be kept by another prisoner who is assisting him with legal work. However, he provides no evidentiary support for his claim, nor does he address the several different bases stated by the Magistrate Judge for recommending dismissal with prejudice of this case. These specifically include that Plaintiff has had three "strikes" or cases dismissed as frivolous pursuant to 28 U.S.C. § 1915(g), which is by itself sufficient for dismissal.

The Court has conducted a careful *de novo* review of the pleadings in this case, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all other documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

**ORDERED** that Plaintiff's objections are **OVERRULED** and the Report of the Magistrate

Judge is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil case be and hereby is **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) as well as for the reason that Plaintiff has exceeded the “Three Strikes” limit of 28 U.S.C. § 1915(g). It is further

**ORDERED** that any and all other motions that may be pending in this civil action are hereby **DENIED**. Finally, it is

**ORDERED** that the Clerk shall provide a copy of this opinion to the Administrator of the Three-Strikes List for the Eastern District of Texas.

**So ORDERED and SIGNED this 19th day of May, 2011.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**